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PATENT
ATTORNEY DOCKET NO. 02992620

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Christian Krogull)
Serial No.: 10/161,466)
Filing Date: May 31, 2002)
For: DEVICE FOR REDUCING SLOSHING)
OF FUEL IN A FUEL TANK)

Group Art Unit: 3727

Examiner: Stephen J. Castellano

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RESPONSE TO OFFICE ACTION DATED AUGUST 28, 2003

In response to the Office Communication of August 28, 2003, please amend the above-
identified application as follows:

CLAIM AMENDMENTS

Claim 1. (amended) A device for reducing sloshing of fuel in a fuel tank of a motor vehicle, ~~having at least one slosh-inhibiting element, characterized in that the slosh-inhibiting element is designed as a component which is to be manufactured separately from the fuel tank and can be fitted through an installation opening of the fuel tank~~ comprising:

(a) fastening part having, (i), an elongated outer sleeve and, (ii), an elongated inner sleeve contained within the outer sleeve, the sleeves being axially movable with respect to each other;

(b) a plurality of guide elements defined by openings through the outer sleeve along the length thereof;

(c) a plurality of slosh inhibiting parts pivotally connected to the inner sleeve and extending through the openings in the outer sleeve and in contact with the outer sleeve guide elements, whereby longitudinal movement of the sleeves relative to each other causes arcuate movement of the slosh inhibiting parts.

Claim 2. (amended) The device for reducing sloshing of fuel as defined in claim 1, characterized in that the slosh-inhibiting device element ~~(2, 14, 23)~~ can be moved from an installation position of small dimensions into an operational position of large dimensions in relation to the installation position.

Claim 3. (withdrawn) The device as claimed in claim 1 or 2, characterized in that the slosh-inhibiting element (14) is fastened to a flange (22) closing the installation opening (21) of the fuel tank (13).

Claim 4. (amended) The device as described ~~elaimed~~ in claim 1 or 2 ~~at least one of the preceding claims~~, characterized in that the inner and outer sleeves ~~slosh-inhibiting element~~ (2,

14, 23) and the wall of the fuel tank (1, 13) have latching means (4, 5, 17, 18, 28, 29) which correspond to one another.

Claim 5. (withdrawn) The device as claimed in at least one of the preceding claims, characterized in that the slosh-inhibiting element (14) has a stabilizing part (15) and/or a fastening part (6, 19, 20, 26, 27) for the securing of at least one slosh-inhibiting part (10, 16, 24).

Claim 6. (withdrawn) The device as claimed in at least one of the preceding claims, characterized in that the slosh-inhibiting part (24) is manufactured from a material having a shape memory.

Claim 7. (amended) The device as defined ~~claimed~~ in claim 1 or 2 ~~at least one of the preceding claims~~, characterized in that the inner and outer sleeves are ~~slosh-inhibiting element~~ (2, 14, 23) is prestressed into an ~~the~~ installation position.

Claim 8. (withdrawn) The device as claimed in at least one of the preceding claims, characterized in that the slosh-inhibiting part (10, 16, 24) is manufactured from an elastic material.

Claim 9. (withdrawn) The device as claimed in at least one of the preceding claims, characterized in that the slosh-inhibiting element (14, 23) is designed such that it can be rolled up.

Claim 10. (withdrawn) The device as claimed in at least one of the preceding claims, characterized in that the slosh-inhibiting part (10) is mounted pivotably on the fastening part (6).

Claim 11. (withdrawn) The device as claimed in at least one of the preceding claims, characterized in that the fastening part (6) has a guide element (11) for moving the slosh-inhibiting part (10) from the installation position into the operational position.

Claim 12. (amended) The device as defined ~~claimed~~ in claim 1 ~~at least one of the preceding claims~~, characterized by a spring element positioned between the inner and outer

sleeves (9) for prestressing the sleeves ~~slosh-inhibiting element (2)~~ against opposing walls ~~the~~
~~bottom~~ of the fuel tank (1).

Claim 13. (withdrawn) The device as claimed in at least one of the preceding claims,
characterized in that the fastening part (6) can be adjusted telescopically and has a spring
element (9).

Claim 14. (amended) The device as defined ~~elaimed~~ in claim 1 ~~at least one of the~~
~~preceding claims, wherein the~~ characterized by a plurality of slosh-inhibiting parts (10, 16)
~~which~~ are arranged one above another at a designated distance from one another.

Claim 15. (withdrawn) The device as claimed in at least one of the preceding claims,
characterized in that the slosh-inhibiting part (24) is designed as a band of wide design
corresponding to the height of the fuel tank (13) with recesses (25) arranged therein.

REMARKS

Referring to the Office Communication of August 28, 2003, the Examiner has required an election of species between: Group I: Fig. 1, 2 and 2a; Group II: Fig 3 and 4; and Group III: Fig 5. Applicant elects to continue prosecution on claims covering the invention of Group I. As now amended, the claims of Group I are numbers 1, 2, 4, ⁷12 and 14.

The invention shown in Figs. 1, 2 and 2a comprises a device for reducing sloshing of fuel in a fuel tank of a motor vehicle in which there is a fastening part 6 that includes telescopically disposed inner and outer sleeves 7 and 8. Inner sleeve 8 has a plurality of slosh inhibiting parts 10 pivotably mounted thereon at spaced apart locations along its length (Fig. 2). The outer sleeve 7 is constructed to have a plurality of guide elements 11 (Fig. 2) that are created by a plurality of openings or slots that are present in the wall of the outer sleeve. By moving the sleeves 7, 8 longitudinally, with respect to each other, arcuate movement of the slosh inhibiting parts 11 can be effected to place them into assembly or operating positions.

By means of the aforesaid construction, when the anti-sloshing device is located outside of fuel tank 1 the spring 9 pushes sleeves 7 and 8 apart so that the parts 11 are positioned in a retracted orientation. The retracted orientation permits the installation of slosh inhibiting device into tank 1 through opening 3. As the device is inserted into tank 1 spring 9 is compressed and sleeves 7, 8 cause slosh inhibiting parts 10 to swing arcuately to the substantially horizontal positions shown in Fig. 2, where they are most effective in reducing fuel sloshing.

Claims 5, 8, 10, 11 and 14 were rejected under 35 U.S.C. 112, as set forth on pages 3 and 4 of the Communication. None of these claims are now under consideration, so further discussion is believed to be not required.

Claims 1, 2, 4, 5, 7, 8 and 10-14 were rejected as anticipated under 35 U.S.C. 102(e) by Forbes et al. patent 6,408,979, issued January 25, 2002. All of the claims just listed and the additional claim 3 were rejected as anticipated by Momura et al. ('351) and Nomura et al. ('710).

Referring first to the Forbes et al. patent ('979), there is shown a sound abatement filter 11, which comprises a base member 20, within which cage halves 13 and 14 are slidably disposed. The cage helps contain a sound deadening material 12, such as fiberglass. Cage halves 13, 14 are capable of movement within base 12 so that the overall height of filter 11 can be reduced for placing it into a fuel tank. As noted by the Examiner, the Konja reference discloses basically the same structure as that disclosed in Forbes et al.

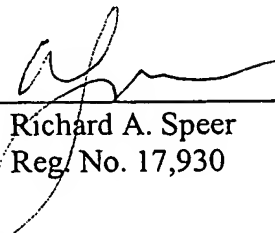
It was pointed out above that amended claim 1 now calls for a slosh reducing structure in which inner and outer telescoping sleeves are provided which are constructed in a way that causes arcuallly movable (pivoting) slosh inhibiting parts, to move between a collapsed condition and an expanded condition. The slosh inhibiting parts move from a substantially vertical orientation to a substantially parallel orientation by virtue of a plurality of guide elements constructed as part of the outer sleeve. Since neither the Forbes et al. nor the Konja reference disclose remotely similar structure, reconsideration of the rejection based on these patents is respectfully requested.

The Momura et al. ('354) and Nomura et al. ('710) patents have been carefully reviewed, and it is submitted that neither of these references describe or suggest anti-slosh such as described in amended claim 1. In fact, the structures of these two references appears to be directed solely to provide for the mixing of oil into gasoline for use in 2 cycle engines.

If there are any additional fees due in connection with the filing of this Response, please charge the fees to our Deposit Account No. 13-0019.

Respectfully submitted,

By: _____


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